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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 1.00: ADMINISTRATION AND ENFORCEMENT

Section

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1.01: General

(1) Title. 527 CMR as set forth herein shall be known as the Massachusetts Comprehensive Fire Safety Code.

(2) Purpose. The purpose and the intent of 527 CMR is to prescribe minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion created by the storage, handling or use of substances, materials or devices or from conditions hazardous to life, property and the public welfare.

(3) Alternate Methods and Materials. The provisions of 527 CMR are not intended to prevent the use of any material or method of work not specifically prescribed by 527 CMR, provided such alternative has been approved by the head of the fire department. The approval of any such alternative shall comply with the intent of the provisions of 527 CMR. The material, method or work offered shall be at least the equivalent of that prescribed in 527 CMR in quality, strength, effectiveness, fire resistance, durability and safety. The provisions of 527 CMR 1.01(3) shall not apply to 527 CMR 12.00, as the jurisdiction having authority is the inspector of wires appointed pursuant to M.G.L. c. 166, § 32.

Said alternate approval shall be allowed only when the head of the fire department is provided with such sufficient proof as he may require.

The head of the fire department shall keep a record of each application accompanied by such evidence, letters, statements, results of tests or other supporting documentation used to justify such request. A copy of the approval of the head of the fire department shall be provided to the applicant and kept on file by the head of said fire department.

1.02: Applicability

(1) New and Existing Conditions. The provisions of 527 CMR and the standards listed in 527 CMR 49.00 shall apply equally to new and existing buildings and conditions.

Exceptions:

1. Existing conditions which do not constitute a distinct hazard to life or property.
2. The transportation of any articles or substance under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States.

(2) Applicability of Other Laws. Nothing in 527 CMR shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the jurisdiction governing the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings specifically provided herein. When any provision of 527 CMR is found to be in conflict with any building, zoning, safety, health or other applicable law, ordinance or code of the jurisdiction existing on the effective date of 527 CMR or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(3) Application of Building Code. The planning, design and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which are within the scope of 780 CMR shall be made in accordance therewith.

1.02: continued

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(4) Special Equipment. Special fire protection equipment shall be installed when adequate fire protection is not being provided or hazardous or dangerous conditions exist, as determined by the head of the fire department. The special fire protection equipment shall be installed in accordance with the requirements of 527 CMR and 780 CMR.

(5) Existing buildings: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of 527 CMR pertaining to any of the following matters:

- (a) Fire protection of structural elements except as provided for existing buildings under 780 CMR.
- (b) Exits required, except as provided for existing buildings under 527 CMR and 780 CMR.
- (c) Isolation of hazardous operations and mixed uses; provided, however, that the head of the fire department shall require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the head of the fire department shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

1.03: Enforcement Authority

(1) Enforcement Official. It shall be the duty and responsibility of the Marshal or the head of the fire department or his designee, to enforce the provisions of the code as herein set forth.

(2) Coordinated Inspections. Whenever in the enforcement of 527 CMR, another code, ordinance or by-law is the responsibility of more than one code official of the jurisdiction is involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the building or structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance, code or by-law of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(3) Right Of Entry. The marshal, an inspector, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by M.G.L. c. 148, or in the furtherance of the purpose of any provision of any law, ordinance or by-law relating to the subject matter of M.G.L. c. 148 or of any rule or regulation contained in 527 CMR, or any order of the marshal or head of the fire department, enter any reasonable hour any building or other premises, or any ship or vessel, to make an inspection or investigation, without being held or deemed to be guilty or trespass. (M.G.L. c. 148, § 4.)

(4) Investigation Of Fires. The head of the fire department shall investigate the cause and circumstances of every fire or explosion to determine if such fire was caused by carelessness or design. The investigation shall be made forthwith if it appears to the official making such investigation that the fire or explosion is of suspicious origin or is the result of a violation of law or, if he is unable to determine the cause, he shall immediately notify the marshal. All other fires shall be reported in writing to the marshal within 48 hours, excluding Sundays and holidays on forms furnished by the department. (M.G.L. c. 148, § 2).

(5) Fire Records. The head of the fire department shall keep a record of all fires or explosions, with the results of such investigations, and such records shall be open to the public.

((6) Administrative Liability: Reserved)

((7) Jurisdictional Liability: Reserved)

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(8) Duties of the Head of the Fire Department. Whenever the maintenance, operation, or use of any land, building, structure, material or other object, or any part thereof, including vehicles used in the transport of hazardous materials constitutes a fire or explosion hazard which is dangerous or unsafe, or a menace to the public safety (including, but not limited to, fires, explosions, hazardous material incidents, motor vehicle accidents, structural collapses, mass casualty incidents and emergency extrication incidents) and the action to be taken to eliminate such dangerous or unsafe condition or conditions which create, or tend to create, the same is not specifically provided for in 527 CMR, and unless otherwise prohibited by law, ordinance, by-law, regulation, the head of the fire department is hereby authorized and empowered to take such action as may be necessary to abate such dangerous or unsafe condition or conditions (directing employees of other city or town departments and agencies) and including the evacuation of buildings and/or the transport of hazardous materials, the speed, routes, amounts, and hours of transport through the city, town or district shall also be regulated.

1.04: Permits

- (1) Enforcement. The head of the fire department shall grant permits as required by 527 CMR or as required by M.G.L. c. 148 and make such inspections as required in M.G.L. c. 148.
- (2) Application. Application for a permit required by 527 CMR shall be made on form furnished by the department or as provided by the head of the fire department.
- (3) Conditions of Permit. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of 527 CMR. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of 527 CMR. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.
- (4) Approved Plans. Plans approved by the head of the fire department are approved with the intent they comply in all respects to 527 CMR. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of 527 CMR.
- (5) Revocation of Permit. The head of the fire department may revoke a permit or approval issued under the provisions of 527 CMR if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.
- (6) Suspension of Permit. Any permit issued shall become invalid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.
- (7) Payment of Fees. A permit shall not be issued until the designated fees have been paid.
- (8) Where Required. The head of the fire department or his designee shall have the authority to issue the following permit types, as described in 527 CMR and M.G.L. c. 148.

Permit Type	Reference
Blasting	527 CMR 13.03; M.G.L. c. 148, § 19
Bonfires and Burning Christmas Trees	527 CMR 10.23
Bowling Pin and Lane Refinishing	527 CMR 10.15
Cannon and Mortor Firing	527 CMR 22.03
Cellulose Nitrate Film	527 CMR 10.27
Combustible Fibres	527 CMR 28.03
Compressed Natural Gas (CNG)	527 CMR 26.08
Covered Mall Buildings	527 CMR 10.26
Crop Ripening or Color Processing	527 CMR 35.03
Cutting and Welding	527 CMR 39.04

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Permit Type	Reference
Dust Explosion Prevention	527 CMR 10.16
Explosives and Black Powder	527 CMR 13.04
Fire Protection Equipment	527 CMR 1.06; M.G.L. c. 148, § 27A
Fire Protection System	527 CMR 10.03(15)
Fireworks, Display	527 CMR 2.05; M.G.L. c. 148, § 39A
Fireworks, Manufacture, Storage and Handling	527 CMR 2.03; M.G.L. c. 148, § 12
Flammable and Combustible Liquids	527 CMR 14.03, 15.04; M.G.L. c. 148, § 23
Flammable Gases and Solids	527 CMR 14.03
Fuel Transfer Operations	527 CMR 5.08
Fumigation and Insecticidal Fogging	527 CMR 10.06
Hazardous Substances, Left Unattended	527 CMR 25.08
Limited Special Effects	527 CMR 2.09
LP-Gas	527 CMR 6.08
Lumber Yards	527 CMR 17.02
Matches	527 CMR 10.18
Model Rockets	527 CMR 16.07
Oil Burning Equipment	527 CMR 4.03
Open Air Fires	527 CMR 10.22
Ovens and Furnaces	527 CMR 10.19
Rubbish Containers	527 CMR 34.03
Salamanders	527 CMR 20.01
Special Seasonal Decorations	527 CMR 21.02
Storage, Combustible Material	527 CMR 10.03
Tank Vehicles Parked Overnight	527 CMR 8.04, 14.03
Tanks and Containers	527 CMR 9.06, 9.07; M.G.L. c. 148, § 38A
Tar Kettles on Roofs	527 CMR 10.03
Tire Recapping and Rebuilding Plants	527 CMR 10.21
Tire Storage	527 CMR 10.03
Torches and Heat Producing Devices	527 CMR 10.24
Transportation of Combustible Liquids	527 CMR 8.04

1.05: Means of Appeal

(1) Appeals to the State Fire Marshal. Any person aggrieved by an act, rule, order or decision of the head of the fire department, or other person or persons acting or purporting to act under the authority derived from M.G.L. c. 148, except § 5, or any rule or regulation made under 527 CMR, may appeal to the marshal. Such appeal shall be filed within ten days following the act, rule, order or decision but only in so far as the appeal presents a direct question of fire or explosion hazard, M.G.L. c. 148, § 31.)

1.06: Orders to Eliminate Dangerous or Hazardous Conditions

(1) Fire Code Violations. Whenever the marshal, the head of the fire department or any person to whom the marshal or head of the fire department has delegated is authority in writing, finds in any building or upon any premises a violation of 527 CMR or any condition likely to cause fire or any obstacle to easy ingress or egress from such building, they shall, in writing, order the same to be remedied. Notice of the violation shall be served in accordance with the provisions of M.G.L. c. 148, § 5, including, but not limited to the following:

- (a) Dangerous conditions which are liable to cause or contribute to the spread of fire or explosion in or on said premises, building or structure or endanger the occupants thereof;
- (b) Conditions which interfere with the efficiency and use of any fire protection equipment;
- (c) obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire;
- (d) Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts;

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- (e) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon,

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under or around any mechanical equipment;

(f) Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material;

(g) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances;

(h) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials;

(i) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials;

(j) All equipment, materials, processes or operations which are in violation of the provisions and intent of 527 CMR.

(2) Maintenance. The owner, tenant or lessee of every building or structure shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure that safety and welfare of the occupants. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department. Where required fire protection systems are temporarily out-of-service for maintenance or repair, the owner, tenant or lessee shall immediately advise the fire department and shall diligently prosecute the restoration of the protection. A fire permit may be required depending on the extent and length of time the system is out-of-service pursuant to M.G.L. c. 148, § 27A. Installation of, or modification to, any automatic fire protection system shall require a permit from the head of the fire department.

(3) Unsafe Buildings. See M.G.L. c. 143 and 780 CMR.

(4) Evacuation. When, in the opinion of the head of the fire department, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the head of the fire department shall order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or re-enter until authorized to do so by the head of the fire department.

(5) Building Code Violations: The head of the fire department or any person designated by him who, in the performance of his official duties, observes any condition which he believes to be a violation of any provision of 780 CMR, shall report the same to the authority charged with the enforcement of such provision. (M.G.L. c. 148, § 28A).

(6) Notification to Other Officials. The fire, building and health officials and other administrative agencies of the jurisdiction to whom the authority is delegated to inspect buildings and structures in respect to the maintenance of safe conditions of use and occupancy shall immediately notify the respective official of any CMR violation promulgated by an agency of the Commonwealth of Massachusetts.

(7) Failure to Correct Violations. If the notice of violation is not complied with in the time specified by the head of the fire department, the head of the fire department may request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the provisions of 527 CMR or of any order or direction made pursuant thereto.

1.07: Penalties

(1) Violation of Order. Violation of any lawful rule or order of the head of the fire department, punishment whereof is not otherwise provided for, shall be punished by a fine of \$50 for each day during which such violation continues after actual notice of regulation, rule, or order (M.G.L. c. 148, § 30).

1.07: continued

(2) Violation of Fire Code. Any person who knowingly violates a rule or regulation of 527 CMR, except as otherwise provided, shall be punished by a fine of not less than \$100.00, nor more than \$1000.00 (M.G.L. c. 148, § 10B).

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(3) Violation of Fire Law. Except as otherwise provided, any person violating a provision of M.G.L. c. 148, shall be punished by a fine of \$100.00, or, in the case of a continuing offense after notice of such violation, to a fine of not more than \$100 for every day which the violation continues (M.G.L. c. 148, § 34).

1.08: Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of 527 CMR, have the following meanings:

Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms Defined in the Other Codes. Where terms are not defined in 527 CMR and are defined in other codes and standards listed in 527 CMR 49.00, they shall have the meanings ascribed to them as in those codes.

Terms not Defined. Where terms are not defined through the methods authorized by 527 CMR, they shall have ordinarily accepted meanings such as the context may imply.

1.09: Referenced Publications

Documents or portions thereof that are referenced within 527 CMR 1.00 shall be considered a part of the requirements of 527 CMR 1.00. Refer to 527 CMR 49.00 for a complete listing of all documents referenced in 527 CMR.

REGULATORY AUTHORITY

527 CMR 1.00: M.G.L. c. 22, § 14; c. 148, §§ 9, 10, 28.